

Introduced by Senator Hernandez

February 21, 2013

An act to add Section 1276.35 to the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 455, as introduced, Hernandez. General acute care hospitals: patient classification system.

Existing law establishes the State Department of Public Health and sets forth its powers and duties, including, but not limited to, the licensing and regulation of health facilities, as defined.

Existing law requires the department to adopt regulations governing the operation of a health facility, including, but not limited to, regulations that require prescribed health facilities to meet minimum nurse-to-patient ratios, and to assign additional staff according to a documented patient classification system for determining nursing care requirements. Violation of these provisions, or willful or repeated violation of the rules or regulations, is a crime.

This bill would require the department to adopt, and periodically amend as needed, regulations to require every general acute care hospital to establish and maintain a patient classification system designed to accurately measure a patient's care needs. The bill would require the regulations to require appointment of a review committee to review and approve the reliability of the system, and review and updating of the system at least annually. By changing the definition of an existing crime, this bill would impose a state-mandate local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1276.35 is added to the Health and Safety
2 Code, immediately following Section 1276.3, to read:
3 1276.35. (a) The State Department of Public Health shall adopt
4 regulations that require every health facility licensed pursuant to
5 subdivision (a) of Section 1250 to do all of the following:
6 (1) Establish and maintain a patient classification system
7 designed to accurately measure a patient's care needs.
8 (2) Establish a patient classification system review committee
9 to review and approve the reliability of the patient classification
10 system, as follows:
11 (A) The review committee shall be appointed by the nursing
12 administration of the facility, except as set forth in subparagraph
13 (C).
14 (B) At least one-half of the membership of the review committee
15 shall be composed of registered nurses who provide direct patient
16 care.
17 (C) If the registered nurses are represented by a collective
18 bargaining agent, the registered nurses shall be appointed by the
19 bargaining agent.
20 (3) The patient classification system shall be reviewed and
21 updated at least annually.
22 (b) The department shall periodically review and update its
23 regulations, as needed.
24 SEC. 2. No reimbursement is required by this act pursuant to
25 Section 6 of Article XIII B of the California Constitution because
26 the only costs that may be incurred by a local agency or school
27 district will be incurred because this act creates a new crime or
28 infraction, eliminates a crime or infraction, or changes the penalty
29 for a crime or infraction, within the meaning of Section 17556 of
30 the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California
2 Constitution.

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